

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

LEE FLOYD BEBLEY

PLAINTIFF

v.

Civil No. 07-5028

NURSE ANDREA GARRETT;
and DR. HUSKINS

DEFENDANTS

LEE FLOYD BEBLEY

PLAINTIFF

v.

Civil No. 07-5036

SGT. TOMLIN; LT. CARTER;
CAPTAIN PETRAY; NURSE
ANDREA GARRETT; DR. HUSKINS;
DEPUTY CYPERT; and
DEPUTY HADLEY

DEFENDANTS

CONSOLIDATION ORDER

Lee Floyd Bebley filed this civil rights action pursuant to the provisions of 42 U.S.C. § 1983 on February 14, 2007. Bebley indicates he became incarcerated at the Benton County Detention Center on November 16, 2006. He asserts he is a Muslim and does not eat pork. He informed the deputies that he did not eat pork and was told they did not serve pork. From November 17, 2006, to January 11, 2007, Bebley stated they were putting jello and jelly on his tray. Bebley alleges he refused to take the tray but if you refuse too many days they put you on suicide watch saying you are trying to starve yourself.

Bebley also asserts he has high cholesterol and needed to have it checked. When he did speak to the nurse about his cholesterol, Bebley states she put him on a low carbohydrate diet instead of a low cholesterol diet and his tray contained items high in cholesterol including eggs and butter.

On or about December 20, 2006, Bebley asserts he was given the wrong medication. On numerous occasions, Bebley asserts he had to go without medication because Nurse Garrett had failed to fill out the medication cards.

Lee Floyd Bebley filed case number 07-5036 on March 1, 2007. He maintains his rights were violated in the following ways: he was denied his right to religious freedom when he was denied the right to have his Koran and prayer rug; he is a Muslim and does not eat pork and despite this is being given food items containing pork; he was beaten by Sgt. Tomlin; he was denied proper medical care for injuries sustained during the beating; he has been taken off his medications since being incarcerated at the jail; his mail allotment is being used by someone else; he is denied access to the law library because he has an attorney on his criminal case; their mats are taken away while they are in the hole; and they are only given towels every three days.

Upon review of the files in the above captioned matters, the court finds that these actions involve common questions of law and fact and that, for such reason, these matters should be and hereby are consolidated for pretrial and trial pursuant to the provisions of Rule 42 of the Federal Rules of Civil Procedure. **In the future, case number 07-5028 shall be considered the lead case and all pleadings docketed to that case. All pleadings docketed after the entry of this order shall contain both case numbers. The clerk is directed to add to the lead case number 07-5028 all defendants named in case 07-5036 who were not previously listed as defendants in case 07-5028.**

The court notes that it had previously entered an order (Doc. 11) in case number 07-5028 directing defendants to file a summary judgment motion by July 23, 2007, and an order (Doc. 21) in case number 07-5036 directing defendants to file a summary judgment motion by August 27, 2007. As the summary judgment motion in the consolidated cases, will need to address all claims asserted in the cases, defendants are given until **August 27, 2007**, to file the motion.

IT IS SO ORDERED this 18th day of July 2007.

/s/ J. Marschewski
HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE